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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,085	06/04/1999	JOSEPH BACH		5016

7590 02/13/2002

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

H·G

Office Action Summary	Application No. 09/327,085	Applicant(s) BACH, JOSEPH	
	Examiner Naresh Vig	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 June 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Drawings

Description for figure 4 refers to labels 430 and 450 as "computer", and, label 460 is referred to as "site". Examiner suggests that the applicant change update the description for figure 4, or, modify the drawing.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Specification

Examiner has noticed that page numbers are missing in the application. For this correspondence, examiner is referencing the page with "BACKGROUND OF THE INVENTION" as page 1 of the application.

Applicant is encouraged to review or correct specifications due to problematic explanations. Following are some of the informalities cited in the application.

On page 3, line 2, presently read as "....when the program is the playing of a particular piece of music....", which the examiner suggests it should be rewritten to "....when the program is playing a particular piece of music....".

On page 3, line 20, presently read as "It should be readily apparent that then above....", which the examiner suggests it should be rewritten to "It should be readily apparent that the above....".

On page 4, line 9, the word "brows" is misspelled, which the examiner suggest it should be rewritten to "browse".

On page 5, line 9, presently read as "....embodiment of the present inven tion implemented....", which the examiner suggest it should he rewritten to "....embodiment of the present invention implemented....".

On page 7, line 22, the word "wither" is misspelled, which the examiner suggest it should be rewritten to "either".

On page 10, line 3, presently read as "Once selected, the radio or web own programming is transmitted....", which the examiner suggest it should be rewritten to "Once selected, the radio or web's own programming is transmitted....".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 4, 7, 8 are rejected under USC 102(e) as being unpatentable over Noreen et al. U.S. Patent 5,303,393. Referring to Claim 1, Noreen et al discloses an Integrated Radio Satellite Response System and Method comprising of:

- User interface
- Communication device
- Audio player
- Memory
- Processor
- Ordering interrupter

Noreen et al. discloses, when the user responds to a program signal by pushing a push button, it generates a user-input signal. The controller means (which may be a processor) processes the identification information and generates a processed information, timing information, user-input information and user-data information. Data-transmitter means then transmits the user-data signal.

Regarding claim 2, Noreen et al. discloses a device in which the control means deinterleaves and decommutates the signal as control signal, paging signal and message signals. The control means outputs the message signals to memory and/or the message display.

Regarding claim 3 and 4, Noreen et al. discloses a radio response system permitting the integration of audio broadcast services with personal communication services. The identification information may include a code identifying the advertisement or solicitation, or any other information which may be used for identifying the program signal and a particular time and/or advertisement to which a user is responding.

Regarding claim 7 and 8, Noreen et al. discloses that the identification information may include a code identifying the advertisement or solicitation, or any other information which may be used for identifying the program signal and a particular time and/or advertisement to which a user is responding.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6, 9 –12 are rejected under 35 USC 103(a) as being unpatentable over Noreen et al. U.S. Patent No. 5,303,393, in view of the article "Go Wireless" by Thomas More and online dictionary A → Z ("http://www.infoplease.com/dictionary.html").

Regarding claim 5 and 6, Noreen et al. discloses a data transmitter means which modulates carrier signal at a carrier frequency with the user-data signal and transmits the modulated carrier signal as a transmitted-data signal. The data transmitter may use AM, FM, or a digital modulation technique. Noreen et al. does not disclose modem and cellular phone as a communication device. In the article "Go Wireless", Thomas More discloses "Portable wireless modems have been around for a long time, and they are becoming more affordable, but they are just as slow as your old phone-line modem. In fact, a portable wireless modem is a modem attached to a cell phone". It would be obvious to one of ordinary skill in the art to modify Noreen et al. by implementing a wireless modem and a cellular phone in the device, or, implementing a wireless modem in the device and connecting the modem to the cellular phone as taught by "Go Wireless" to transmit the information.

Regarding claim 9, Noreen et al. discloses, when the user responds to a program signal by speaking, touching a touch screen, or by pushing a push button, it generates a user-input signal. The controller processes the identification information and generates a timing information, processed information, user-input information and user-data

information. Data transmitter modulates a carrier signal with user-data signal, and transmits the modulated carrier signal to the processing center. Noreen et al. does not disclose the establishment of a communication channel. It would be obvious to one of ordinary skill in the art to modify Noreen et al. as taught by "Go Wireless" by implementing a wireless modem and a cellular phone in the device, or, implementing a modem in the device and connecting the modem to the cellular/terrestrial phone to establish channel of communication and obtaining merchandise order corresponding to the program signal.

Regarding claim 10, Noreen et al. discloses a method in which:

- Control means outputs the message signals to memory and/or message display. "A user may input a credit card number for placing an order, or user's credit card number may be stored at the processing center". Noreen et al. does not disclose storing the personal ordering information in the system. It would be obvious to one of ordinary skill in the art to modify Noreen et al to also store the personal ordering information in the system for reducing the personnel cost at the processing center by allowing users to place the order directly with the solicitor of the advertisement, allowing users to update and protect their personal information.
- Integrated radio having an audio decompressor and D/A converter operatively coupled to the data processing and controller. The audio decompressor and D/A

converter deinterleaves the assignable data signal and output the analog signal to a handset or AM/FM receiver audio amplifier.

- A device in which the control means deinterleaves and decommutates the signal as control signal, paging signal and message signals. The control means outputs the message signals to memory and/or the message display.

  Online dictionary A→Z explains buffer as "a storage device for temporarily holding data until the computer is ready to receive or process the data, as when a receiving unit has an operating speed lower than that of the unit feeding data to it."

  It is well know in the art that the memory is also called as computer memory or storage.

- When the user has inputted the user-input signal, the method further includes using identification information and the user-input signal to generate a user-data signal. Data transmitter transmits the data to the processing center. The processing center determines the advertisement and processes the order. Noreen et al. does not disclose user system establishing a communication channel with the processing center for placing the order. It will be obvious to a person of ordinary skill in the art to modify Noreen et al. as taught by "Go Wireless" and implement a communication establishing means (e.g. cell phone) in the system to save the processing center personnel cost by allowing users to place the order directly with the ordering center corresponding to the advertisement and the personal ordering information.

Regarding claim 11, Noreen et al. discloses a data transmitter means which modulates carrier signal at a carrier frequency with the user-data signal and transmits the modulated carrier signal as a transmitted-data signal. The data transmitter may use AM, FM, or a digital modulation technique. Noreen et al. does not disclose modem and cellular phone as a communication device. In the article "Go Wireless", Thomas More discloses "Portable wireless modems have been around for a long time, and they are becoming more affordable, but they are just as slow as your old phone-line modem. In fact, a portable wireless modem is a modem attached to a cell phone. It would be obvious to one of ordinary skill in the art to modify Noreen et al. as taught by "Go Wireless" by implementing a wireless modem and a cellular phone in the device, or, implementing a modem in the device and connecting the modem to the cellular/terrestrial phone to transmit the information.

Regarding claim 12, Noreen et al. discloses a data transmitter means which modulates carrier signal at a carrier frequency with the user-data signal and transmits the modulated carrier signal as a transmitted-data signal. The data transmitter may use AM, FM, or a digital modulation technique. Noreen et al. does not disclose establishing connection over a computing system. It would be obvious to one of ordinary skill in the art to modify Noreen et al. as taught by "Go Wireless" by implementing a wireless modem in the device, or, implementing a modem in the device to connect to a computing system and transmit the information over the computing system.

Conclusion

The prior art made of record and not relied upon in considered pertinent to applicant's disclosure.

1. Noreen et al. U.S. Patent No. 5,303,393 discloses an Integrated Radio Satellite Response System And Method.
2. Thomas More, "Go Wireless", 1998, More Online, which discloses wireless modem attached to a cell phone.
3. Definition of "buffer" from A → Z Dictionary
4. Definition of "memory: from A → Z Dictionary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

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February 11, 2002

WYNN COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100